

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-28 are presently active; Claims 1, 8, 9, and 16 having been amended by way of the present amendment. Claims 23-28 have been added.¹

In the outstanding Office Action, Claims 1-5, 8, and 16-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fotland (U.S. Pat. Publ. No. 2001/0048529) in view of Lee (U.S. Pat. No. 6,236,117). Claims 7, 9-15, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fotland in view of Kodama (U.S. Pat. No. 5,241,347). Claims 6 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fotland and Lee in view of Whiting et al (U.S. Pat. No. 6,618,170). Claims 7 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fotland in view of Chiang et al (U.S. Pat. No. 5,535,021).

Applicant acknowledges with appreciation the courtesy of Examiners Baker and Williams to interview this case on June 20, 2007 during which time the issues in the outstanding Office Action were discussed as substantially summarized hereinafter.

Claim 1 as clarified defines that an image reading apparatus including:

a storage unit which stores reference image data generated based on ***image data for reference color patches taken from a reference scan of the reference color patches*** to provide stored image data of the reference color patches at a time of software initialization of the image reading apparatus;

a display unit which reproduces two images, a first image based on ***processed image data taken from a comparison scan of the same reference color patches*** after a predetermined plurality of images have been scanned and a second image based on the reference image data stored in the storage unit containing ***the stored image data taken from the reference scan of the reference color patches***, and which displays the two images so as to be contrasted with each other, ***wherein the reference scan and the comparison scan are scans of the same reference color patches.***

¹ The subject matter in Claims 23-28 is supported by Applicant's Figure 5 and the description in the specification on page 14.

Accordingly, similar to that discussed during the interview, Claim 1 makes clear that the comparison being made is between a reference scanned image of the reference color patches and a comparison scanned image of the same reference color patches. As such, the image reading apparatus of Claim 1 provides a reliable way to track the quality of the image reading apparatus over time by a comparison to a fixed set of reference color patches.

Fotland numbered paragraph [0012] for a teaching of “and displays two images so as to be contrasted with each other.” Numbered paragraph [0012] of Fotland specifically disclose that:

[0012] The method of the present invention overcomes limitations in previous methods of image compensation and particularly color compensation. Using the method of the invention, ***an original is scanned, saved as a first digital file, and then the file is printed*** employing the printer whose output is to be corrected. The ***output of the printer is then scanned*** and the image saved in a second image file. After registration of the overlapping images on a video display screen, the stored images from the first and second digital files are viewed in rapid sequence. Any image variation will show up immediately as a color-blinking region in the viewed sequence. Digital image control means, either through hardware or software, is provided to allow the viewer to change the second digital file until the image blink is eliminated or minimized. The second image file is now compensated so that images printed using the compensated printer and the second file will very closely match the original. [Emphasis added.]

Thus, in Fotland, the contrast is made between a recently printed image file which is rescanned for comparison to a scan of the printed image file. In Fotland, the comparison is not between a scan of a reference color patch and a subsequent scan of the same reference color patch, as would be required for Fotland to anticipate independent Claims 1, 8, 9, and 16.

This deficiency in Fotland is not overcome by newly cited Lee and Kodama. Thus, a combination of these references would not produce the claimed invention.


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Hence, given this discussion and the understanding reached during the interview, independent Claims 1, 8, 9, and 16 (and the claims dependent therefrom) are believed to patentably define over the art of record.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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